



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Richard Torczon
Telephone: 571-272-4683
Facsimile: 571-273-0042

Patentees: Moore, et al
Patent No.: 6,844,170
Issued: 01/18/05
For: Cytokine Receptor Common Gamma Chain Like

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,613.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Richard Torczon/
Administrative Patent Judge

INTERFERENCE DIGEST

Interference No. 105,613

Paper No.

Name: Paul A. Moore, et al

Serial No.: 09/263,626

Patent No. 6,844,170

Title: Cytokine Receptor Common Gamma Chain Like

Filed: March 5, 1999; granted 1/18/05

Interference with Saris

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.

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Paper 1
DECLARED 25 January 2008

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,613 (RT)
(From Technology Center 1600)

AMGEN, INC.
(09/895,943),
Junior party,

v.

HUMAN GENOME SCIENCES, INC.
(6,844,170),
Senior party.

DECLARATION - BD.R. 203(b)¹

By TORCZON, *Administrative Patent Judge*.

A. DECLARATION OF INTERFERENCE

An interference is declared pursuant to 35 U.S.C. 135(a). Details of the application, patent, count, and claims designated as corresponding to the count appear under headings E and F.

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

B. DESIGNATION TO MANAGE

Administrative Patent Judge Richard Torczon has been designated to manage the interference. Bd. R. 104(a).

C. STANDING ORDER

A copy of the Standing Order (SO, Paper 2) accompanies this declaration. The Standing Order applies to this contested case.

D. CONFERENCE CALL TO SET DATES

A telephone conference call to set dates for action in this contested case is scheduled for **2 p.m.** (Eastern) on **2 April 2007**. (The Board will initiate the call.)

No later than **27 March 2008**, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.²

A sample schedule for taking action during the motion phase appears as Form 2 in the Standing Order. The parties are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. A party requesting more or less time should be prepared to justify the request.

² Amgen's theory in its Bd.R. 202 statement is that HGSI is not entitled to any constructive reduction to practice date for failure to comply with 35 U.S.C. 112(1). Consequently, Amgen will be expected to file a motion for judgment on that theory. Since the motion is likely to be a do-or-die gambit for Amgen, a party would need a very good story to get authorization for any other motion.

E. THE PARTIES TO THIS INTERFERENCE

Junior Party

Application: 09/895,943 (US 2002/0068323 A1, pub'd 6 June 2002)

Title: Thymic stromal lymphopoietin receptor molecules and
uses there of

Inventors: Christiaan M. Saris of Newbury Park, California; and
Ming-Shi Chang of Tainan, Taiwan.

Senior Party

Patent: US 6,844,170 B1 (issued 18 January 2005;
corrected 26 April 2005)

Title: Cytokine receptor common gamma chain like

Inventors: Paul A. Moore of Germantown, Craig A. Rosen of
Laytonsville, and Steven M. Ruben of Olney, all of
Maryland

F. COUNTS AND CLAIMS OF THE PARTIES

Count 1

An isolated polynucleotide of US 6,844,170 claim 15.

The claims of the parties are:

Amgen: 1-34

HGSI: 1, 3-8, 10, 43-45, 58, and 59

The claims corresponding to Count 1:

Amgen: 1-34

HGSI: 1, 3-8, 10, 43-45, 58, and 59

The benefit accorded for Count 1:

Amgen: 09/895,943, filed **28 June 2001**

HGSI: 09/263,626, filed **5 March 1999**

G. HEADING TO BE USED ON PAPERS;
EXHIBIT NUMBERS

Addendum 1 provides the heading that shall be used on all papers filed in the contested case. See SO ¶ 106.1.1.

The range of exhibit numbers is assigned as follows (Bd.R. 154(c)(1); SO ¶ 154.2.1):

HGSI: 1001-1999.

Amgen: 2001-2999.

H. ORDER FORM FOR REQUESTING FILE COPIES

When requesting copies of files, use of Addendum 2 (SO Form 4) will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

Attachment: None.³

Enclosure: Copy of Standing Order (Paper 2)

cc:

Patrick D. Morris, Perkins Coie LLP, of Santa Monica, California, for Amgen, Inc.

Jon Tornquist of Rockville, Maryland, for Human Genome Sciences, Inc.

³ For a United States patent or published application listed in this paper, see <http://patft.uspto.gov/>; see also <http://portal.uspto.gov/external/portal/pair> for prosecution histories available to the public.

ADDENDUM 1: PAPER HEADING

Filed on behalf of: [Name of Party]

Paper No. [Leave blank]

By: [Name of lead counsel
Name of backup counsel
Street address
City, State, and ZIP Code
Tel:
Fax:

]

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,613 (RT)

AMGEN, INC.
(09/895,943),
Junior party,

v.

HUMAN GENOME SCIENCES, INC.
(6,844,170),
Senior party.

TITLE OF PAPER

ADDENDUM 2: FILE COPY REQUEST
Patent Interference No. 105,613

Attach a copy of sections E and F of this declaration to this request.
On the copy, circle each patent and application that you are requesting.
Include the following information to facilitate processing of this request:

1. Charge fees to USPTO Deposit Account No. _____

2. Complete address, including street, city, state, ZIP code, and
telephone number:

3. Telephone, including area code:

Dyar, Leneetha

From: on behalf of Interference Trial Section
To: pmorris@perkinscoie.com; jon_tornquist@hgsi.com
Subject: Interference 105,613 (RT), Paper No. 1-Declaration-Bd. R. 203(b); Paper No. 2-Standing Order
Attachments: 105613.001.pdf; Standing Order.pdf

1/25/2008